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**MF**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/118,824 07/20/98 LEE

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002292 WM01/0409  
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EXAMINER

TRAN. T

ART UNIT PAPER NUMBER

2615

DATE MAILED:

04/09/01

**21**

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks****RE**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/118,824	LEE ET AL.
	Examiner	Art Unit
	Thai Tran	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 27 March 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-31,33-50 and 52-61 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-22 is/are allowed.

6) Claim(s) 23-31,33-50 and 52-61 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 08/227,281.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15) Notice of References Cited (PTO-892)                    18) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .

16) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    19) Notice of Informal Patent Application (PTO-152)

17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .                    20) Other: \_\_\_\_\_ .

**DETAILED ACTION**

***Reissue Applications***

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

***Response to Arguments***

2. Applicant's arguments with respect to claims 23-31, 33-50 and 52-61 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim 60 is rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al ('409).

Yuen et al discloses a recording medium (tape 42 of Fig. 1) having a data structure for controlling a reproducing operation having a plurality of specific data areas (column 46, line 64 to column 47, line 6), each specific data area storing specific data and associated relative position data (column 13, lines 20-33), the associated relative position data indicative of a plurality of relative positions from a current nth specific data

location to each of a  $n+1$ ,  $n+23$ , ...,  $n+m$  specific data location, where  $m$  is greater than 2 (column 9, line 48 to column 10, line 2 and column 28, line 21 to column 29, line 7).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 23-31, 33-50, 52-59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuen et al ('409) in view of Hatakenaka et al ('049).

Regarding claim 23, Yuen et al discloses an apparatus for controlling recording in a recording device comprising an input unit (column 13, lines 20-33) for receiving video data; a data generating circuit (column 9, line 48 to column 10, line 2, column 13, lines 20-33, column 28, line 21 to column 29, line 7, and column 46, line 64 to column 47, line 26) for generating a plurality of relative position data, each of the plurality of relative

position data associated with one of a plurality of specific data in the received video data and indicative of a plurality of relative positions from a current nth specific data location to each of a n+1, n+2, ..., n+m specific data location, where m is greater than 2; and a recording unit (column 13, lines 20-33) coupled to the data generating circuit and recording the video data and the plurality of relative position data on a medium such that each specific data includes the associated relative position data. However, Yuen et al does not specifically disclose that the video signal is digital video signal.

Hatakenaka et al teaches, in a moving-picture data digital recording and reproducing apparatuses, a encoder 24 for performing compression encoding on the digital moving picture, such as distributed cosine transformation (DCT) and two-dimensional Huffman coding (column 3, line 59 to column 4, line 12).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate recording apparatus having moving-picture compression encoder 24 as taught by Hatakenaka et al into Yuen et al's system in order to increase the storage capacity of the recording medium of Yuen et al by compressing the input digital video signal.

Regarding claim 24, Hatakenaka et al also discloses that the specific data is I-frame data (column 4, lines 19-34 and column 10, lines 33-44).

Regarding claim 25, Hatakenaka et al further discloses a timing signal generating a timing control signal (column 10, lines 45-51) and a multiplexer coupled the timing signal generating circuit and selectively outputting the detected specific data and the digital video data based on the timing control signal (column 10, lines 45-51).

Regarding claim 26, Hatakenaka et al also discloses that the digital medium includes a magnetic medium (column 4, lines 63-68).

Regarding claim 27, Yuen et al also discloses that each of the plurality of relative position data includes a plurality of distance indicators, each distance indicator indicating a distance between the current nth specific data location and one of the n+1, n+2, ..., n+m specific data locations (column 9, line 48 to column 10, line 2, column 13, lines 20-33, column 28, line 21 to column 29, line 7, and column 46, line 64 to column 47, line 26).

Regarding claim 28, Yuen et al further discloses that said distance is represented with a number of distance units present between the current nth specific data location and one of the n+1, n+2, ..., n+m specific data locations (column 9, line 48 to column 10, line 2, column 13, lines 20-33, column 28, line 21 to column 29, line 7, and column 46, line 64 to column 47, line 26).

Regarding claim 29, Yuen et al further discloses that the distance unit is a track on the storage medium (column 9, line 48 to column 10, line 2, column 13, lines 20-33, column 28, line 21 to column 29, line 7, and column 46, line 64 to column 47, line 26).

Regarding claim 30, Hatakenaka et al discloses a formatting circuit (28 of Fig. 1, column 4, lines 56-68) for forming a data block associated with each specific data, the data block including the associated relative position data.

Claim 31 is rejected for the same reasons as discussed in claim 24 above.

Regarding claim 33, Yuen et al discloses an apparatus for controlling reproduction in a reproducing device (Fig. 1) having a reproducing unit (column 9, line

48 to column 10, line 2, column 13, lines 20-33, column 28, line 21 to column 29, line 7, and column 46, line 64 to column 47, line 26) for reproducing data stored on a medium the data including a plurality of specific data, each of the plurality of specific data including relative position data, each relative position data indicative of a plurality of relative position from a current specific data location to each of a plurality of consecutive specific data locations; a detection circuit (column 9, line 48 to column 10, line 2, column 13; lines 20-33 and column 28, line 21 to column 29, line 7) coupled to the reproducing unit and detecting one of the plurality of relative position data from the reproducing data; and a control circuit coupled to the detection circuit (column 46, line 64 to column 47, line 26) for receiving a command and controlling the reproducing to reproduce at least another specific data based on the detected relative position data and the command. However, Yuen et al does not specifically disclose that the recorded data is digital data.

Hatakenaka et al teaches, in a moving-picture data digital recording and reproducing apparatuses, a encoder 24 for performing compression encoding on the digital moving picture, such as distributed cosine transformation (DCT) and two-dimensional Huffman coding (column 3, line 59 to column 4, line 12) and a moving-picture expansion decoder 40 for decoding the compressed video signal reproducing from the recording medium (column 5, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate recording apparatus having moving-picture compression encoder 24 and moving picture expansion decoder 40 as taught by Hatakenaka et al

into Yuen et al's system in order to increase the storage capacity of the recording medium of Yuen et al by compressing the input digital video signal.

Regarding claim 34, Yuen et al also discloses a decoding circuit (column 28, line 21 to column 29, line 7 and column 46, line 64 to column 47, line 26).

Claim 35 is rejected for the same reasons as discussed in claim 24 above.

Claim 36 is rejected for the same reasons as discussed in claim 27 above.

Claim 37 is rejected for the same reasons as discussed in claim 28 above.

Claim 38 is rejected for the same reasons as discussed in claim 29 above.

Regarding claim 39, Yuen et al discloses that the reproducing unit includes a motor for moving the medium (column 28, line 21 to column 29, line 7).

Regarding claim 40, Yuen et al discloses that the control circuits includes a calculating circuit (column 28, line 21 to column 29, line 7) for calculating a rotational speed of the motor based on the detected relative position data.

Regarding claim 41, Yuen et al discloses that the reproducing unit includes reading heads and signal processing circuits (column 28, line 21 to column 29, line 7 and column 46, line 64 to column 47, line 45).

Method claims 42-50 are rejected for the same reasons as discussed in apparatus claims 23-31 above.

Method claims 52-58 are rejected for the same reasons as discussed in apparatus claims 33-38 and 40, above and respectively.

Regarding claim 59, Hatakenaka et al also discloses a detection circuit (54 of Fig. 16, column 10, lines 33-51) coupled to the input unit and detecting specific data

from the received digital video data and wherein the data generating circuit is coupled to the detection circuit (column 9, line 48 to column 10, line 2, column 13, lines 20-33, column 28, line 21 to column 29, line 7, and column 46, line 64 to column 47, line 26 of Yuen et al.).

Claim 61 is rejected for the same reasons as discussed in claim 24 above.

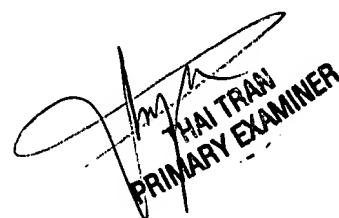
***Allowable Subject Matter***

7. Claims 1-22 are allowed.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TTQ  
April 8, 2001



THAI TRAN  
PRIMARY EXAMINER